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PTO/SB/05 (03-01)

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 008932-0876-999 Total Pages 48

First Named Inventor or Application Identifier

Christopher Roth

Express Mail Label No. EV335858659US

APPLICATION ELEMENTS

See MPEP chapters 600 concerning utility patent application contents.

Address to:

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Mail Stop PATENT APPLICATION

Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 18]
(preferred arrangement set forth below, MPEP 1503.01)
- Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description of the Invention (including drawings, if filed)
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 12]
5. ☒ Oath or Declaration [Total Sheets 2]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (previously filed in conjunction with pending U.S. App. No. 09/978,002 Reel/Frame: 012284/0202
37 CFR 3.73(b) Power of Attorney
10. ☐ Statement (when there is an assignee) ☒ previously filed in conjunction with pending U.S. Appl. No. 09/978,002
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 (previously filed in conjunction with pending U.S. App. No. 09/978,002) ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/978,002 filed October 17, 2001.

Prior application information:

Examiner: Robert, Eduardo C.

Group Art Unit: 3732

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

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ATTORNEY DOCKET NO. 008932-0876-999

Date: February 06, 2004

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Sir:

The following utility patent application is enclosed for filing:

Applicant(s): Christoph Roth and Harry T. Hall, IV Executed on: October 4, 2001

Title of Invention: BONE FIXATION SYSTEM

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	34	- 20	14	\$18.00 each	\$ 252
Independent	2	- 3	0	\$86.00 each	\$ 0
Minimum Fee					\$ 770
Multiple Dependency Fee If Applicable (\$290.00)					\$ 0
Total					\$ 1022
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 0
Total Filing Fee					\$ 1022

☐ **DO NOT PUBLISH.** I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

☒ Priority of application no. 09/978,002 filed on October 17, 2001 is claimed under 35 U.S.C. § 119.

☐ The certified copy of the priority application has been filed in application no. filed on .

Please charge the required fee to Jones Day Deposit Account 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date: February 6, 2004

Giuseppe Molaro 52,039
By: Giuseppe Molaro (Reg. No.)

35,340
For: Brian M. Rothery (Reg. No.)

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Enclosure

This form is not for use with continuation, divisional, re-issue, design or plant patent applications.